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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,461	01/08/2002	Michael Joseph Calderaro	AUS920010790US1	4159
40412	7590	08/28/2006	EXAMINER	
IBM CORPORATION- AUSTIN (JVL)			BOYCE, ANDRE D	
C/O VAN LEEUWEN & VAN LEEUWEN				
PO BOX 90609			ART UNIT	
AUSTIN, TX 78709-0609			PAPER NUMBER	
			3623	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/042,461	CALDERARO ET AL.	
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/06, 7/13/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Final Office action is in response to Applicant's amendment filed June 15, 2006. Claims 1, 3, 4, 8, 10, 11, 14, 16 and 17 have been amended. Claims 2, 9 and 15 have been canceled. Claims 1, 3-8, 10-14 and 16-20 are pending.
2. The previously pending rejections to claims 1-20 under 35 U.S.C. 112, second paragraph have been withdrawn.
3. Applicant's arguments filed June 15, 2006 have been fully considered but they are not persuasive.

Drawings

4. The drawings are objected to because: in Figures 1, 2 and 9 solid black shading is not permitted. See 37 CFR 1.84(m). In addition, the dark gray shading in Figure 9 makes the verbiage more difficult to read.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from

the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1, 3-8, 10-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Band et al (Strategic Downsizing, 1995), in view of Haq et al (USPN 6,275,812).

As per claim 1, Band et al disclose a method of reducing employee resources through a planned resource reduction (i.e., company downsizing, ¶ 19), said method comprising: identifying a surplus skill group (i.e., conducting a skills analysis and matching existing skills of the workforce to skills needed, ¶¶ 21-22), selecting an employee for surplus evaluation (i.e., determine a candidate for

departure, ¶ 40); and retrieving employee data corresponding to the selected employee, wherein the employee data includes a skill group for the selected employee (i.e., skills needs analysis, including an appraisal system to identify those with desired skills, ¶ 40).

Band et al does not disclose creating one or more evaluation templates for the identified skill group, wherein each evaluation template includes one or more review factors; storing the evaluation templates in a data store, locating one of the evaluation skill templates corresponding to the retrieved skill group; evaluating the selected employee using the located evaluation template; and storing the evaluation of the selected employee in a second data store. Haq et al disclose specific job functions in a specialty identified by a skills template, including the relevant importance of each skill and the required skill level to perform the job function (column 5, lines 25-29), wherein the templates are stored in a database (column 5, lines 64-66). In addition, Haq et al disclose assessing the suitability of an employee, for a particular job assignment, from the skills assessment forms in the database against the given skill template for a job function (column 6, lines 13-17). Both Band et al and Haq et al are concerned with effective employee assessment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include creating at least one evaluation template for the identified skill group, wherein each evaluation template includes one or more review factors; storing the evaluation templates, locating one of the evaluation skill templates corresponding

to the retrieved skill group; evaluating the selected employee using the located evaluation template; and storing the evaluation in Band et al, as seen in Haq et al, thereby providing an effective appraisal system to determine desired skills of employees in the Band et al system (see Band et al, ¶ 40).

As per claim 3, Band et al does not disclose retrieving one or more pre-existing evaluation templates; and copying one or more pre-existing review factors from the pre-existing evaluation templates to the evaluation template. Haq et al disclose a manager looking up the available skills template and picking one that closely matches the job function and making changes in the template to make it suitable for the requirements of the job, thus creating a modified template (column 6, lines 1-4). Both Band et al and Haq et al are concerned with effective employee assessment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include retrieving one or more pre-existing evaluation templates; and copying one or more pre-existing review factors from the pre-existing evaluation templates in Band et al, as seen in Haq et al, thereby providing an effective appraisal system to determine desired skills of employees in the Band et al system (see Band et al, ¶ 40).

As per claim 4, Band et al disclose receiving a skill group identifier from a user (i.e., critical and desired skills, ¶ 40). Band et al does not disclose comparing the skill group identifier to a plurality of stored identifiers, wherein each stored identifier corresponds to a stored evaluation template; and identifying the pre-existing evaluation templates from the plurality of stored evaluation templates

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based on the comparison. Haq et al disclose the skills templates indicating the skills required to perform a particular job function, wherein the templates can be used as guidelines in comparing job functions (column 5, lines 37-47). Both Band et al and Haq et al are concerned with effective employee assessment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include comparing the skill group identifier to a plurality of stored identifiers, wherein each stored identifier corresponds to a stored evaluation template; and identifying the pre-existing evaluation templates from the plurality in Band et al, as seen in Haq et al, thereby providing an effective appraisal system to determine desired skills of employees in the Band et al system (see Band et al, ¶ 40).

As per claim 5, Band et al does not disclose storing the evaluation templates in a database managed by a database management system. Haq et al disclose the templates stored in a database (column 5, lines 64-66). Both Band et al and Haq et al are concerned with effective employee assessment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include storing the evaluation templates in a database managed by a database management system in Band et al, as seen in Haq et al, thereby providing an effective appraisal system to determine desired skills of employees in the Band et al system (see Band et al, ¶ 40).

As per claim 6, Band et al does not disclose receiving one or more job levels corresponding to the identified skill group; and creating one of the evaluation

templates for each skill group and job level combination. Haq et al disclose specific job functions in a specialty identified by a skills template, including the relevant importance of each skill and the required skill level to perform the job function (column 5, lines 25-29). Both Band et al and Haq et al are concerned with effective employee assessment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include receiving one or more job levels corresponding to the identified skill group; and creating one of the evaluation templates for each skill group and job level combination in Band et al, as seen in Haq et al, thereby providing an effective appraisal system to determine desired skills of employees in the Band et al system (see Band et al, ¶ 40).

As per claim 7, Band et al disclose receiving a skill group identifier from a user (i.e., critical and desired skills, ¶ 40); retrieving one of the evaluation templates based on the skill group identifier; modifying at least one of the review factors included in the retrieved evaluation template in response to one or more modification requests; and storing the modified evaluation template in the data store. Haq et al disclose a manager looking up the available skills template and picking one that closely matches the job function and making changes in the template to make it suitable for the requirements of the job, thus creating a modified template (column 6, lines 1-4). Both Band et al and Haq et al are concerned with effective employee assessment, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made

to include retrieving one of the evaluation templates based on the skill group identifier; modifying at least one of the review factors included in the retrieved evaluation template in response to one or more modification requests in Band et al, as seen in Haq et al, thereby providing an effective appraisal system to determine desired skills of employees in the Band et al system (see Band et al, ¶ 40).

Claims 8 and 10-13 are rejected based upon the rejections of claims 1, 3, 4, 5, and 6, respectively, since they are the system claims corresponding to the method claims.

Claims 14, 16-20 are rejected based upon the rejections of claims 1 and 3-7, respectively, since they are the computer program product claims corresponding to the method claims.

Response to Arguments

7. In Remarks, Applicant argues that neither Band nor Haq is concerned with evaluating an employee selected as a potential surplus candidate. In addition, Applicant asserts that Band does not teach or suggest selecting an employee for surplus evaluation. The Examiner respectfully disagrees. Band discloses determining personnel with desired skills and personnel who are candidates for departure (¶ 40). As such, Band indeed selects an employee for surplus evaluation, i.e., an employee who is selected as a candidate for departure. As a candidate, it is determined whether the employee will be retained, as similarly

seen in Applicant's specification (pages 5 and 6, lines 25-27 and 1-2, respectively), wherein "[t]he improvement of surplus determinations aids the organization in retaining more skilled employees and removing less skilled employees, thus benefiting the organization's overall skill base without retaining surplus resources."

Applicant also argues that Haq does not teach or suggest retrieving employee data corresponding to an employee who has been selected for surplus evaluation, wherein the retrieved employee data includes a skill group, locating one of the evaluation skill templates corresponding to the retrieved skill group; and evaluating the selected employee using the located evaluation template. Applicant goes on to assert that Haq is concerned with matching employees to particular job assignments and not with evaluating an employee who has been selected for surplus evaluation. The Examiner respectfully disagrees. Haq discloses assessing the suitability of an employee, for a particular job assignment, from the skills assessment forms in the database against the given skill template for a job function (column 6, lines 13-17). Moreover, Haq discloses that the skill templates is an innovation that allows for systematic evaluation of employee skills (column 1, lines 49-50), and wherein, depending on the workload of a company, there will be times when the employees in the pool are not deployed on projects (column 8, lines 10-12). As such, the combination of Band in view of Haq indeed discloses retrieving employee data corresponding to an

employee who has been selected for surplus evaluation, wherein the retrieved employee data includes a skill group.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

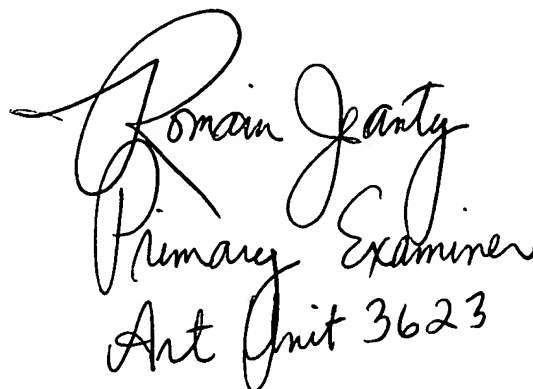
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



adb

August 17, 2006



Romain Janty
Primary Examiner
Art Unit 3623